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June 18, 1997

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Received by Mr. Caton
June 18, 1997

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Dear Mr. Caton:

Re: Ex Parte Meeting
MM Docket No. 95-176

This morning, representatives of The Weather Channel met with William Johnson, JoAnn Lucanik, Marcia Glauberman and John Adams of the Cable Services Bureau to discuss why The Weather Channel merits an individual exemption from closed captioning in the above-referenced proceeding. Representatives of The Weather Channel included Becky Powhatan, Stan Hunter, Michael Hammer and the undersigned.

During the meeting, The Weather Channel explained that closed captioning would reduce (1) public access to critical emergency weather information and (2) the production of new programming options for The Weather Channel's viewers. The enclosed memorandum -- which was distributed at the meeting -- summarizes The Weather Channel's discussion of those two points.

No. of Copies made
Date 6/18/97

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Mr. William Caton
June 18, 1997
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As required by the Commission's rules, this letter and one copy are being submitted to the Secretary's office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael F. Finn".

Michael F. Finn

Enclosures

cc without attachments:

Bill Johnson
JoAnn Lucanik
Marcia Glauberman
John Adams

THE WEATHER CHANNEL

Ex Parte Presentation in Closed Captioning Proceeding MM Docket No. 95-176.

THE COMMISSION SHOULD GRANT THE WEATHER CHANNEL AN INDIVIDUAL EXEMPTION FROM CLOSED CAPTIONING AS PART OF THIS PROCEEDING.

I. Closed Captioning The Weather Channel Would Reduce Public Access To Critical Emergency Weather Information.

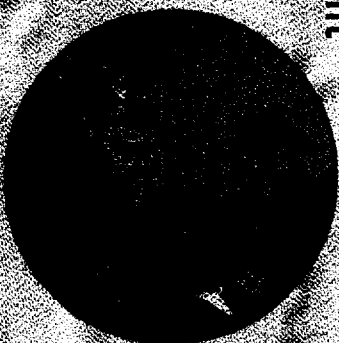
- The National Weather Service issues over 35,000 weather warnings each year in 3,000 weather zones in the U.S. With multiple airings, The Weather Channel provides these warnings to viewers approximately 150,000 times each year.
- The Weather Channel distributes these warnings through a system of 7,000 computers, known as Weather Stars, located at cable system headends. The Weather Star system is completely automated. Weather warnings are conveyed to consumers within 60 seconds of issuance by the National Weather Service. (See Attachment A).
- The weather warnings are placed at the bottom one-third of the television screen. Captioning would block these warnings. (See Attachment B). Because of the design of the Weather Star system, it is not technically possible to move the position of the weather warnings. Similarly, captioning may not be moved to the top one-third of the screen because it would block critical information, such as map titles and legends that make it possible for viewers to understand the maps. (See Attachment C).
- It also is not possible to shut-off the captioning to accommodate the warnings because the warnings are sent automatically from the cable headend. The Weather Channel would have to monitor all 7,000 headends simultaneously to determine where captioning should be turned off, an obviously impractical and prohibitively costly obligation.
- Thus, closed captioning would obscure the National Weather Service's emergency weather warnings because the captions would be placed directly over the warnings.

II. Closed Captioning Would Reduce The Production Of New Programming Options For The Weather Channel's Viewers.

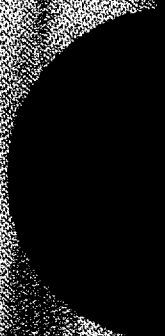
- The Weather Channel is considering two new programming options: 1) a 24-hour-per-day textual local weather display on the bottom one-third of the screen; and 2) an audio summary of its traditional local weather segment. Viewers have expressed strong interest in both new programming formats.
- A requirement that The Weather Channel caption its programming would create cost and technical problems that threaten the development of this new programming.
- For example, captioning would completely block the 24-hour-per-day local weather display. (See Attachment D).
- Similarly, because each audio summary of a traditional local weather segment is different, The Weather Channel would be forced to have separate captioning facilities and personnel for each local market in which this new service is offered. That would make the service impractical from a cost standpoint. (See Attachment E).



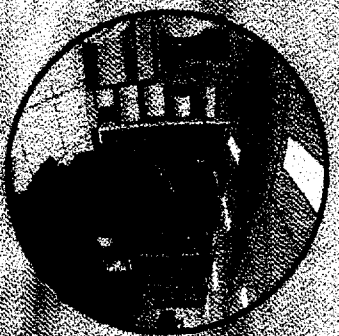
1. National Weather Service
State Office issues
warning statement



2. The Weather Channel®
Computer Center
receives warning



3. SATCOM III



Subscriber has
warning

4. At Local Cable System
The Weather Station applies

B

TEMPERATURES



SEVERE WEATHER WARNING

A Severe Thunderstorm Warning has been issued for the following

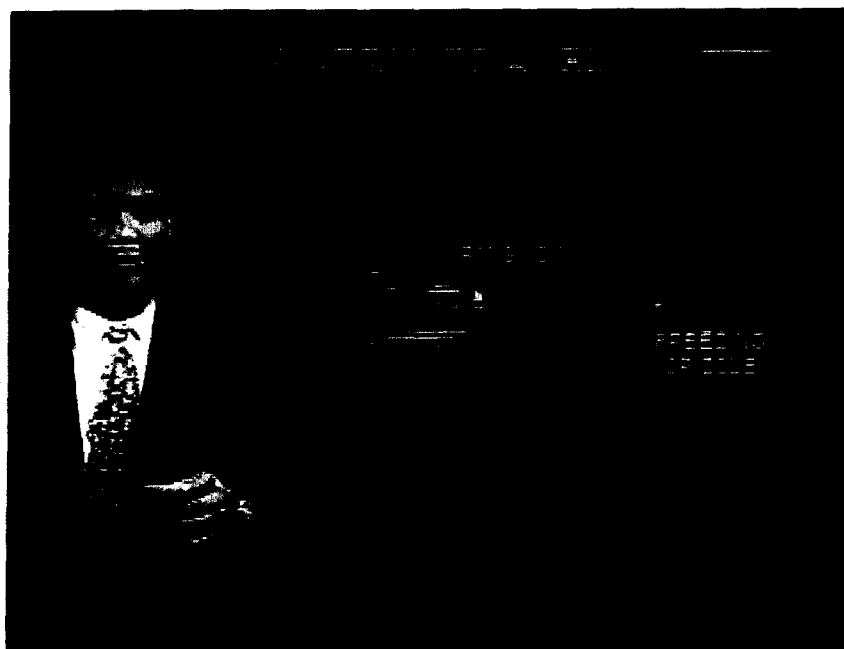
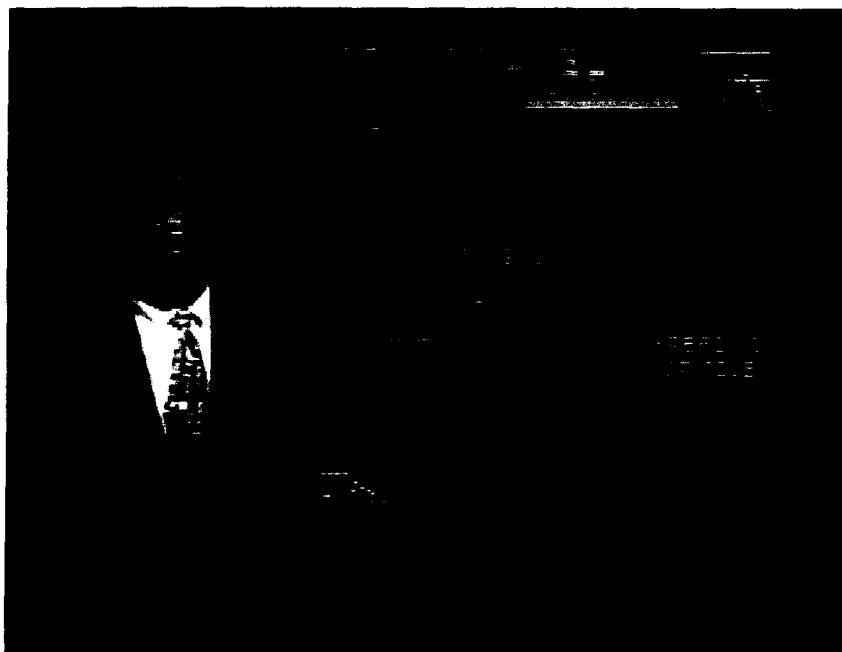
CURRENT

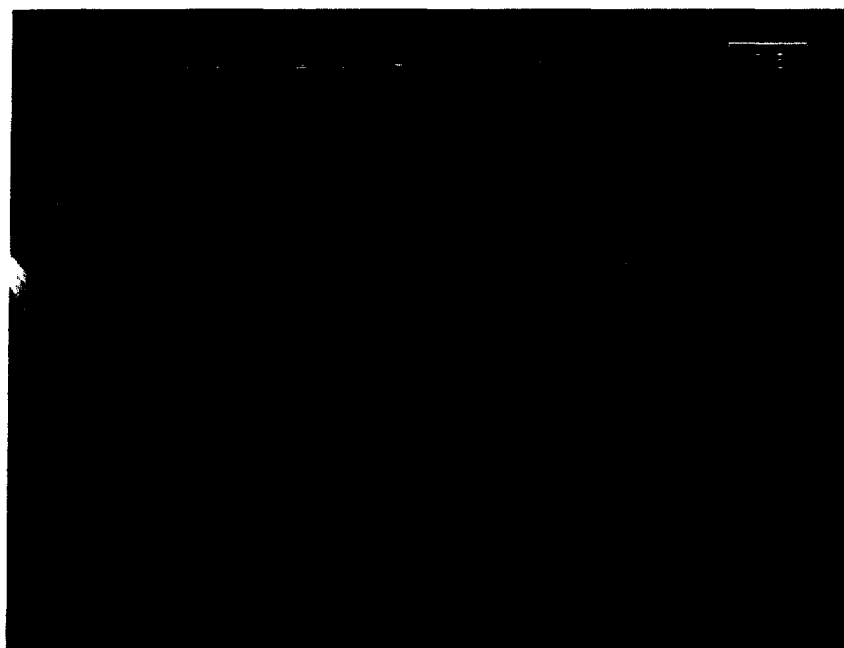
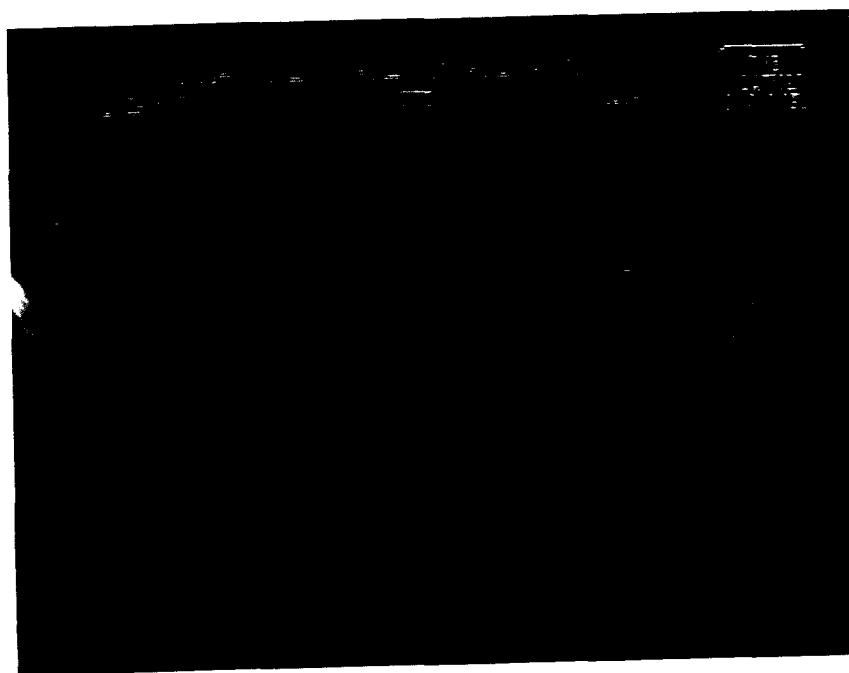
TEMPERATURES

54 46 70 54 2
56 66 66 71 63 76 70 67 58 64
64 66 66 71 63 76 70 67 58 64
55 80 61 57 75 71 70 6
65 69 78 76 76 01
75 83 73 81 72 81
72 92 82 84 78 83 81 90
77 76

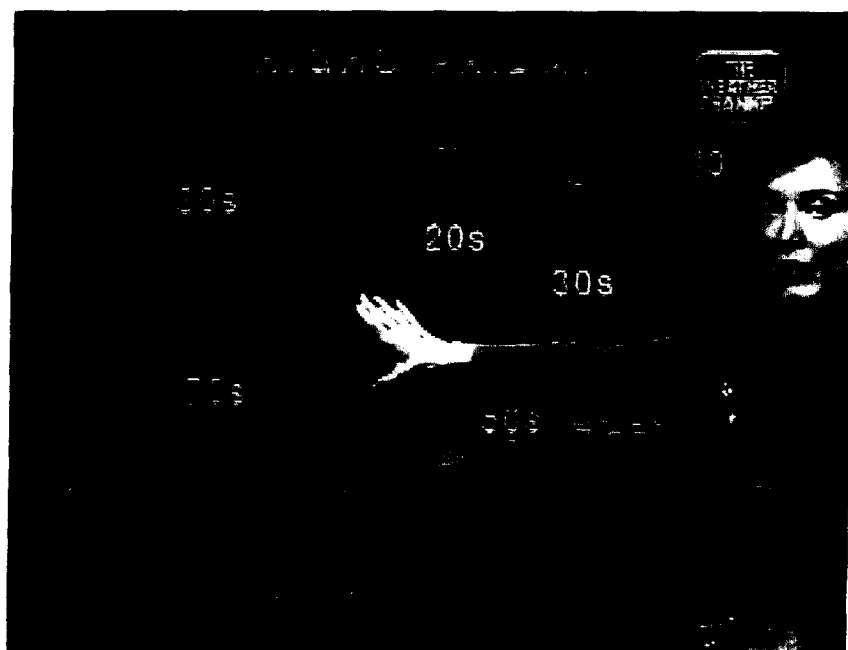
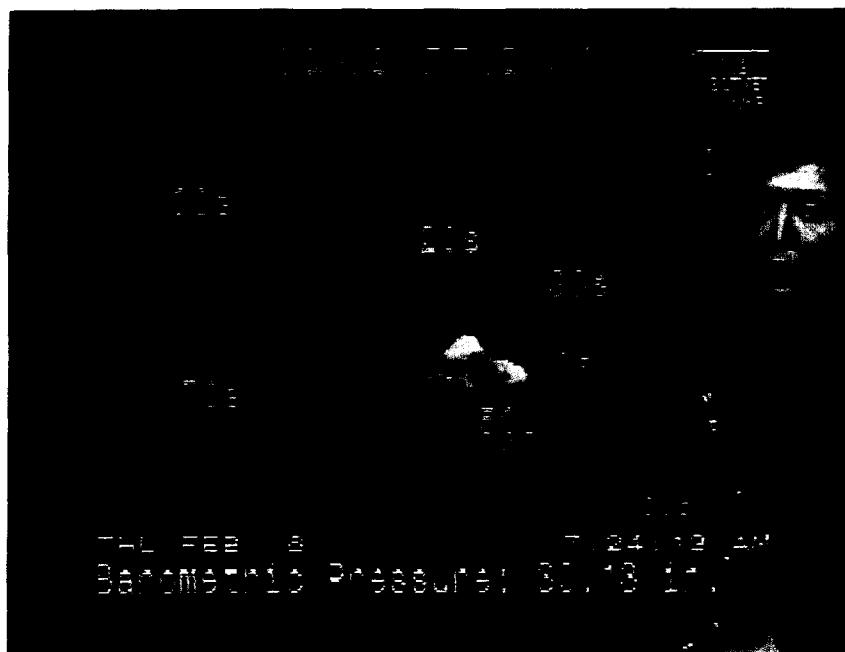
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D





E

The Weather Star® Evolution

Weather Star III

Forecast Across The Region


City	Weather	H	L
Birmingham	RAIN	70	42
Daytona Beach	P CLOUDY	84	65
Jacksonville	SHOWERS	82	64
Key West	P CLOUDY	80	72
Savannah	SHOWERS	77	61
Tallahassee	T SHOWERS	77	58
W. Palm Beach	P CLOUDY	86	66

ON SALE, Harmon Sports, 10 Main St

Weather Star XL

Currently 12:32:35 PM
Wed Jan 12

NEW ORLEANS - LAKEFRONT AIRPORT

Humidity	89%	 Partly Cloudy
Pressure	30.17 S	
Wind	NE 17	
Gusts	23 mph	
Wind Chill	31°	48°

CURRENTLY AT LAKEFRONT AIRPORT
Dewpoint: 45°

THE WEATHER CHANNEL

Weather Star 4000

THE WEATHER CHANNEL

Santa Monica Area 1:24:00 PM
WED JAN 12

50-74	49-71	50-71
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CONDITIONS AT LOS ANGELES IN THE

Weather Star XL

Tides 12:32:35 PM
Wed Feb 12

LOCATION HIGH LOW

From Santa Monica	11:03 PM	5:46 AM
	12:28 PM	9:32 PM
From Santa Monica	7:09 PM	11:26 PM
	5:12 AM	12:25 PM

SUNRISE 6:44 AM SUNSET 5:46 PM

CURRENTLY AT LAKEFRONT AIRPORT
HUMIDITY 89%

THE WEATHER CHANNEL